

REMARKS

No claims having been added or canceled, the Applicant respectfully contends that claims 15-20 and 52-65 are pending in the present application and properly under consideration.

The Election Requirement

In the Office Action, the Examiner has determined that the above-identified application contains claims directed to the following patentably distinct species of the claimed invention:

Group (i), identified as a medicament comprising bisphosphonic acids of general formula I and autoantigens, for specifically compounds of the formula I in combination with one or more of nervous system tissue extracts, collagen, thyroglobulin, acetylcholine receptor protein, DNA, islet cell extracts, human insulin, liver extracts, adrenal cortex extracts, skin extracts, muscle extracts, haemopoietic cell line extracts, heart extracts, eye lens proteins, S-antigens, gastric cell extracts, parietal cell extracts, intrinsic factor or intestinal extracts, and

Group (ii), identified as a medicament comprising bisphosphonic acids of general formula I and allergens, specifically compounds of the formula I in combination with one or more of pollen, nickel or food.

Election with Traverse

In response to the pending election requirement, the Applicant elects, with traverse, the species identified in the Action as Group (i), a medicament comprising bisphosphonic acids of

general formula I and autoantigens and respectfully contends that at least claims 15-18, 20, 54, 58, 59, 62-65 read on the elected species.

To the extent that the Examiner is also seeking a secondary election of species from within the autoantigens encompassed by Group (i), *e.g.*, as recited in the Markush groups of claims 15 and 17, the Applicant elects, with traverse, those medicants comprising bisphosphonic acids of general formula I in combination with nervous system tissue extracts and respectfully contends that at least claims 15-18, 20, 54, 58, 59, 62 and 65 read on the elected species.

Initially, the Applicant respectfully traverses the requirement for an election between the autoantigens of Group (i) and the allergens of Group (ii) and contends that the claimed medicants are linked by the combination of a specific class of bisphosphonic acids as defined by general formula I and one or more secondary ingredients sufficient to cause an immune system response in a sensitive or affected individual. The Applicant respectfully contend, therefore, that as the claims are directed to medicants in which one or more bisphosphonic acids that may be represented by general formula I are combined with one or more substances that are known to trigger immune system responses in sensitive or affected individuals, the pending claims can be examined without serious burden. The Applicant respectfully requests, therefore, that the Examiner reconsider and withdraw this primary election requirement as unnecessary

The Applicant also respectfully traverses the secondary election requirement as requiring election between members of a Markush group that are recognized in the art as capable of triggering an autoimmune response in sensitive or affected individuals. The Applicant respectfully contends, therefore, that as the claims are directed to medicants in which one or more bisphosphonic acids as represented by general formula I are combined with one or more

substances that are characterized by a common ability to trigger an autoimmune response, the pending claims can be examined without serious burden. The Applicant respectfully requests, therefore, that the Examiner reconsider and withdraw this secondary election requirement as unnecessary.

CONCLUSION

It is respectfully submitted that the election of species reflected above, although with traverse, is fully responsive to the pending Action.

Should there be any outstanding matters which need to be resolved in the present application, the Examiner is respectfully requested to contact Gregory P. Brummett (Reg. No. 41,646) at the telephone number indicated below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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By 
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